UNITED STATES DISTRICT COURT

Southern

District of

New York

Eugene R. Daniels, III

New York State Division of Human Rights, Martha Furlong, and Michelle Heitzner

SUMMONS IN A CIVIL ACTION

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TO; (Name and address of Defendant)

One Fordham Plaza, 4th Floor New York State Division of Human Rights

Bronx, New York 10458

Michelle Heitzner, 3000 Ocean Parkway, Brooklyn, New York 11235

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address) 30 Bayside Terrace Great Neck, New York 11023 Robin Aronson, Esq.

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of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you an answer to the complaint which is served on you with this summons, within Clerk of this Court within a reasonable period of time after service. for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the days after service

DATE

(By) DEPUTY CLERK

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SOUTHERN DISTRICT OF NEW YORK UNITED STATES DISTRICT COURT

(JURY TRIAL DEMANDED)

VERIFIED COMPLAINT

EUGENE R. DANIELS, III

Plaintiff

-against-

NEW YORK STATE DIVISION OF HUMAN RIGHTS, MARTHA FURLONG, AND MICHELLE HEITZNER

Defendants

FACTS

upon information and belief in his verified complaint the following: Plaintiff, Eugene R. Daniels, III, by his attorney, Robin Aronson, Esq., alleges

- the State of New York. 1)Defendant, New York State Division of Human Rights is an agency located in
- Division of Human Rights 2)Plaintiff, Eugene R. Daniels, III is a former employee of the New York State
- 3)Defendant, Martha Furlong, was the Deputy Commissioner of Adminingtration for the New York State Division of Human Rights when plaintiff, Eugene R. Daniels, III was employed by the New York State Division of Human Rights.
- was employed by the New York State Division of Human Rights for the New York State Division of Human Rights when plaintiff, Eugene R. Daniels, III was employed by the New York State Division of Human Rights when plaintiff, Eugene R. Daniels, III 4)Defendant, Michelle Heitzner, was the Deputy Commissioner of ABRIDAN Affections

5)Plaintiff, Eugene R. Daniels, III was employed as regional director of the Kings

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Filed 12/18/2007

County Office of the New York State Division of Human Rights from June 2, 2005 May 12, 2006.

Division of Human Rights on May 12, 2006 6)Plaintiff, Eugene R. Daniels, III was terminated from the New York State

JURISDICTION

Laws, or Treaties of the United States of America. This Court also has jurisdiction in this matter pursuant to 28 U.S.C. § 1343, 42 U.S.C. § 1981, 42 U.S.C. § 1983 and 42 affords district courts original jurisdiction in civil actions arising under the Constitution, New York State Executive Law § 296. U.S.C. § 1985(3) as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166 and 7)This Court has jurisdiction in this matter pursuant to 28 U.S.C. § 1331 which

VENUE

8) Venue is properly vested in the United States District Court for the State of New York pursuant to 28 U.S.C. § 1391, since the acts and or omissions occurred in the Southern District of New York.

AS AND FOR A FIRST CAUSE OF ACTION

- paragraphs one through eight. 9)Plaintiff "repeats," "realleges," and "reiterates," all allegations contained in
- 10)Plaintiff was denied due process of law in violation of the 14th Amendment to the United States Constitution and Article 5, Title B, New York Civil Service Law § 75.
- 2, 2005 to May 12, 2006. Division of Human Rights as the regional director of the Kings County Office from June 11) Plaintiff, Eugene R. Daniels, III was employed by defendant, New York State
- for wrongful termination. her New York State Division of Human Rights complaint against her former employer female alleged she was sexually harassed by plainitff when he assisted her when filing York State Division of Human Rights its agents, and employees that an undisclosed 12)On April 26, 2006, plaintiff, Eugene R. Daniels. III was advised by the New
- respond to complainant's allegations representatives, and employees informed plaintiff he would be afforded an opportunity to 13)On April 26, 2006, the New York State Division of Human Rights, its agents,
- Division of Human Rights, its agents, employees, and representatives he would respond 14)On April 26, 2006, Eugene R. Daniels, III advised the New York State

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to complainant's allegations upon retaining an attorney,

- advising him charges must have been contested by April 27, 2006. correspondence dated May 1, 2007 from the New York Slate Division of Human Rights 15)However, subsequently, plaintiff, Eugene ₹. Daniels,
- opportunity to retain an aftorney to respond to complainant's allegations as required pursuant to Article 5, Title B, New York Civil Service Law § 75. 16)As a result, plaintiff, Eugene R. Daniels, III was never afforded a reasonable
- required pursuant to Article 5, Title B, New York Civil Service Law § 75. charges filed by complainant, Ms. Rodriguez for perusal prior to 17) Further, plaintiff, Eugene R. Daniels, III never received a copy of the written his termination as
- 18)On May 12, 2006, plaintiff, Eugene R. Daniels, III was terminated as regional director from the Kings County Office of the New York State Division of Human Rights.
- mandated pursuant to Article 5, Title B, New York Civil Service Law § 75. establish his incompetency or engagement in misconduct prior to his termination 19) Plaintiff, Eugene R. Daniels, III additionally was never afforded a hearing to as
- personal injuries, lost earnings, will incur lost earnings in the future, pain and suffering, distress. will incur future pain and suffering, emotional distress, and will incur future emotional 20) As a direct and proximate result of defendant's conduct plaintiff sustained

AS AND FOR A SECOND CAUSE OF ACTION

- paragraphs one through twenty. 21)Plaintiff "repeats," "realleges," and "reiterates," all allegations contained
- without due process of law. the United 22)Plaintiff was denied due process of law in violation of the 5th Amendment to States Constitution which prohibits deprivation of life, liberty, or property
- senatorial campaign during business hours. his subordinates at the New York State Division of Human Rights to facilitate his sexually harassing complainant, Michelle Rodriguez and accused of improperly utilizing of Human Rights, 23)Plaintiff, Eugene R. Daniels, III was informed by the New York State Division its agents, representatives, and employees that he was accused of
- attorney to respond to complainant's allegations and the allegations of his subordinates Division of Human Rights, its agents, and employees that he would retain an 24)On April 26, 2006, plaintiff, Eugene R. Daniels, III advised the New York

- Service Law § 75. allegations of his subordinates as required pursuant to Article 5, Title B, New York Civil opportunity to retain 26) As a result, plaintiff, Eugene R. Daniels, III was never afforded a reasonable an altomey ธ respond to complainant's allegations or the
- and his subordinates were never produced for perusal prior to his termination as required pursuant to Article 5, Title B, New York Civil Service Law § 75. 27) Further, the documented charges submitted by complainant, Ms. Rodriguez
- director of the Kings County Office of the New York State Division of Human Rights 28)On May 12, 2006, plaintiff, Eugene R. Daniels, III was terminated as regional
- will incur future pain and suffering, emotional distress, and will incur future emotional personal injuries, lost earnings, will incur lost earnings in the future, pain and suffering, 29) As a direct and proximate result of defendant's conduct plaintiff sustained

AS AND FOR A THIRD CAUSE OF ACTION

- paragraphs one through twenty-nine. 30)Plaintiff "repeats," "realleges," and "reiterates" all allegations contained in
- U.S.C. 2000e, et seq., N.Y.S. Executive Law 296 upon drafting correspondences on February 14, 2006, April 14, 2006, and May 12, 2006 contending the New York State Division of Human 31)Plaintiff, Eugene R. Daniels, III was retaliatory discharged in violation of 42 Rights, its agents, and employees engaged in discriminatory
- transferred to the 32) Within months of accusing the New York State Division of Human Rights, its and employees Bronx County Office of the New York State Division of Human of engaging in discriminatory conduct, Mr. Daniels was
- Bronx County Office of the New York State Division of Human Rights 33)Plaintiff, Eugene R. Daniels, III was denied phone access upon transfer to the
- subordinates at the New York State Division of Human Rights Office of the New York State Division of Human Rights he was ordered to report to his 34) When plaintiff, Eugene R. Daniels, III was transferred to the Bronx County

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35)When plaintiff, Eugene R. Daniels. Ill was transferred to the Bronx County New York State Division of Fluman Rights, he was denied immediate access to his personal effects at the Kings County Office of the New York State Division of Human Rights in violation of agency policy.

distress. will incur future pain and suffering, emotional distress, and will incur future emotional personal injuries, lost earnings, will incur lost earnings in the future, pain and 36)As a direct and proximate result of defendant's conduct plaintiff sustained suffering,

WHEREFORE, plaintiff demands the following relief:

1)Compensatory damages in this matter.

2)Punitive damages in this matter.

3)Costs in this matter

4)Reasonable attorney fees

circumstances and in the interests of justice. 5) For such other and further relief as this Court deems just and proper under the

Dated: September 12, 2007 Great Neck, New York

Robin Aronson (RA4309) (516) 482-3951 Great Neck, New York 11023 30 Bayside Terrace

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